



Certificate of Public Convenience and  
Necessity Application

Sussex County

Pump Station #210



A Middlesex Water Company Affiliate

February 5, 2016

Mr. Kevin Neilson  
Public Service Commission  
861 Silver Lake Blvd.  
Suite 100  
Dover, DE 19904

Re: CPCN Application – Pump Station #210

Dear Mr. Neilson;

Enclosed you will find the CPCN application for Pump Station #210 located in Sussex County, Delaware.

One original copy the application has been included. If I can be of further assistance upon your review, please do not hesitate to contact me at 302-747-1308.

Respectfully,

A handwritten signature in black ink, appearing to read "J. C. Cuccinello", is written over a light blue horizontal line.

Joseph C. Cuccinello  
CPCN Coordinator  
Tidewater Utilities, Inc.

cc: Mr. Grover P. Ingle, SFMO w/enclosures  
Mr. Ed Hallock, DPH w/enclosures  
Mr. Stewart Lovell, DNREC w/enclosures  
Mr. John Ashman, Sussex County w/enclosures

*"Southern Delaware's Premier Water Company Since 1964"*

**Tidewater Utilities, Inc.** 1100 South Little Creek Road, Dover, DE 19901 [www.tuiwater.com](http://www.tuiwater.com)  
(800) 523-7224 (302) 734-7500 Tel. (302) 734-9297 Fax

**APPLICATION FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY REQUIRED  
TO BEGIN OR EXPAND THE BUSINESS  
OF A PUBLIC WATER UTILITY**

**BEFORE THE PUBLIC SERVICE COMMISSION**

Application Fee           \$300 for filing each extension to a CPCN  
                                  \$750 for filing each original application for new water utility 26 Del. C. §114(a)

This form of application must be filed for each new and expanding water system pursuant to 26 Del. C. §203C.

**WATER UTILITIES:**           Pump Station #210

1. Basis for application:

- ☐ a.     Water in the proposed service area does not meet the Regulations Governing Public Drinking Water Systems of the State Board of Health for human consumption; {26 Del. C., §203C (d)(2)(a)}; or
- ☐ b.     Water supply in the proposed service area is insufficient to meet the projected demand; 26 Del. C., §203C (d)(2)(b)}; or
- ☐ c.     The applicant is in possession of a signed service agreement with the developer of a proposed subdivision or development, which subdivision or development has been duly approved by the respective county government; {26 Del. C., §203C (e)(1)(a)}; or
- ☒ d.     The applicant is in possession of a petition signed by all of the parcel owners of the proposed territory to be served; {26 Del. C., §203C (e)(1)(b)}; or **Exhibit A**
- ☐ e.     The applicant is in possession of a duly certified copy of a resolution from the governing body of a county or municipality requesting the applicant to provide service to the proposed territory to be served; {26 Del. C., §203C (e)(1)(c)}.

2. To obtain a Certificate of Public Convenience and Necessity ("CPCN") to provide adequate water service to customers and meet the Regulations Governing Drinking Water Standards of the State Board of Health for human consumption {26 Del. C., §203C(a)}.

3. Tidewater Utilities, Inc. requests an informal fact finding procedure during review of application.

4.     (a.)    Full legal name and address of Applicant:  
              Tidewater Utilities, Inc.  
              1100 South Little Creek Road  
              Dover, Delaware 19901
- (b.)    Full name of the Utility's designated representative:  
              Joseph C. Cuccinello  
              Emily R. Opdyke
- (c.)    Phone no: 302-734-7500 X1014 or X1012
- (d.)    Fax no: 302-734-9297
- (e.)    Email address: [jcuccinello@Tuiwater.com](mailto:jcuccinello@Tuiwater.com) or [eopdyke@tuiwater.com](mailto:eopdyke@tuiwater.com)

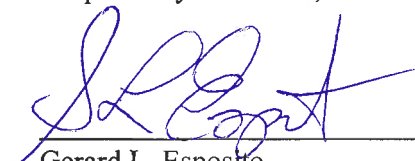
5. Supporting documentation required by 26 Del. C. §203C(e)(1), including evidence that all landowners of the proposed territory have been notified of application: **Exhibit B**

6. A complete list of county tax map parcel number(s) for the area covered by the application: **Exhibit C**

7. A complete list of county tax map parcel number(s) with corresponding names and addresses of property owners and a copy of the tax map(s) for the area: **Exhibit C**

8. The Applicant hereby certifies that the extension will satisfy the provisions of 26 Del. C. §403C, including:
- (a.) The Applicant is currently furnishing water to its present customers in Delaware in such a fashion that water pressure at every house supplies is at least 25 psi at all times at the service connection.
  - (b.) The Applicant shall furnish water to the house or separate location of each new customer in the Delaware at a pressure of at least 25 psi at each location or house at all times at the connection while continuing also to supply each old customer at a pressure of at least 25 psi at each house at all times at the service connection.
  - (c.) The Applicant is currently not subject to a finding by the appropriate federal or state regulatory authority that we have materially failed to comply with applicable safe drinking water or water quality standards; and
  - (d.) The Applicant is currently not subject to any Order issued by the Commission finding that Tidewater Utilities, Inc. has materially failed to provide adequate or proper safe water services to existing customers.
9. Copies of petitions signed by landowners showing all of the parcel owners of the proposed territory to be served agree with the filing of a CPCN to permit Applicant to provide them with public water. **Exhibit A**
10. Plan of service for the proposed service areas covered by this application: **Exhibit D**
11. (a.) A copy of the application must be sent to State Fire Marshall, Public Health Department, Department of Natural Resources and County Engineering/Utility.
- 1.) The current status of such application is: **Sent**
  - (b.) The Applicant provides the following additional information with this application;
    - 1.) A corporate history including dates of incorporation, subsequent acquisitions and/or mergers, **On PSC File**
    - 2.) A chart, which depicts the inter-company relationships, **On PSC File**
    - 3.) A map identifying all areas, including all towns, cities, counties and other governments subdivisions to which service is already provided, **On PSC File**
    - 4.) All copies of Applicant's annual reports to stockholders and that of its subsidiaries, and parent for the last two years, **On PSC File**
    - 5.) Applicant's audited financial statements, 10K's and all proxy material for the last two years, **On PSC File**
    - 6.) Any additional information required by PSC Staff will be made available on request.

Respectfully submitted,

  
Gerard L. Esposito  
President



A Middlesex Water Company Affiliate

February 5, 2016

Delaware Public Service Commission  
Attn: Lisa Driggins  
861 Silver Lake Boulevard  
Suite 100  
Dover, DE 19904

RE: Request for a Timing Waiver for Tidewater Utilities, Inc. CPCN Application (Pump station 210) Parcel 334-6.00-39.02

Dear Mrs. Driggins:

Tidewater Utilities, Inc. (Tidewater) has received a request from Sussex County to provide water service to its proposed pump station located on 33881 Westcoats Road, Lewes DE 19958, parcel 334-6.00-39.02. This parcel is currently not within a CPCN water service territory. The proposed pump station is located adjacent to Tidewater's existing water CPCN service territory in its Rehoboth District. Sussex County has requested expedited water service to the pump station. Therefore, Tidewater is hereby requesting the Public Service Commission use its authority under the Commission's Regulations Governing Certificates of Public Convenience and Necessity for Water Utilities, 26 *Del. Admin. C.* §2002, (the "Regulations") Section 1.4, to grant the following waivers:

1. Section 9.1 of the Regulations. Tidewater is requesting the Commission waive the timing requirement related to when the notice can be sent to the landowner of record.
2. Section 11.1 of the Regulations. Tidewater is requesting the Commission waive the timing requirement to allow for objections and opt outs.

Tidewater believes the granting of the requested waivers will allow for expedited water service to the Sussex County pump station which provides a vital service to Sussex County residents. In addition, the granting of these waivers will not affect any other customers or landowners. Thank you for your consideration in this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "J.C. Cuccinello", is written over the word "Sincerely,".

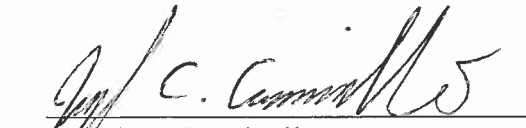
Joseph C. Cuccinello  
CPCN Coordinator

*"Southern Delaware's Premier Water Company Since 1964"*

**Tidewater Utilities, Inc.** 1100 South Little Creek Road, Dover, DE 19901 [www.tuiwater.com](http://www.tuiwater.com)  
(800) 523-7224 (302) 734-7500 Tel. (302) 734-9297 Fax

## **Certification of Landowner Information Accuracy**

By submitting this application, Tidewater Utilities, Inc. hereby certifies that we have reviewed the appropriate tax or land record documents; and that according to those documents, the landowners identified in the parcel lists are the landowners of record and that the petitions contained in this application have been signed by the landowners of record.



---

Joseph C. Cuccinello  
CPCN Coordinator



[Government](#)

[Citizens](#)

[Visitors](#)

[Business](#)

[Services](#)

## Map Search

## Sussex County, Delaware - Zoning and Sales Information

### PROPERTY DETAILS

- [General Information](#)
- [Appraisal & Assessment Info](#)
- [Sales Info](#)
- [Map of Property](#)

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## General Information

**District-Map-Parcel:**  
3-34 6.00 39.02

**Owner(s) Names:**  
SUSSEX COUNTY ,

**Property Legal Description:**  
NE/S RT 1 & RD 12  
INTERSECTION

**Billing Address:**  
PO BOX 589  
GEORGETOWN , DE 19947

**Land Use:**  
Local Government

**Zoning:**  
-No Zoning Code Specified-

**Town/Municipality:**  
-No Town or Municipality Specified-

**Fire District(s):**  
Lewes Fire District

**Tax Ditch(es):**  
-No Ditch Records-

**Sewer/Water  
District:**  
-No Sewer Records-

**Watershed:**  
BROADKILL-SMYRNA

**EXHIBIT**

**A**



# PETITION FOR INCLUSION

Tidewater (TUI) – Water Petition

1-800-523-7224

[www.tuiwater.com](http://www.tuiwater.com)

## PETITION FOR INCLUSION IN TIDEWATER UTILITIES, INC. WATER SERVICE TERRITORY

In accordance with 26 Delaware Code 203-C., I/we, the undersigned, as the recorded property owners according to current tax records for the following property/properties, request to be included in the water service territory of Tidewater Utilities, Inc. I/We understand that all of the property owners must sign this petition in order for Tidewater Utilities, Inc to apply for a Certificate of Public Convenience and Necessity (CPCN) in order to provide water service to the following property/properties

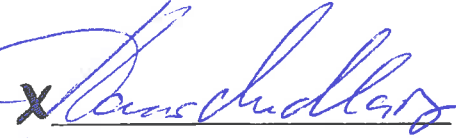
Tax Parcel Number(s): 334-6.00-39.02

Property Owner(s): Sussex County

Mailing Address: PO Box 589  
Georgetown, DE 19947

Property Address: NE/S RT 1 & RD 12 INTERSECTION

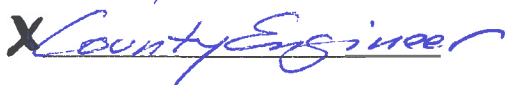
Owner's Signature(s):

 Date: 1/14/2014

Print Name:



Office Held:



Phone #:

302-855-7178

Owner's Signature(s):



Date:

Print Name:



Office Held:



Phone #:

Email Address:



I UNDERSTAND THAT BY SIGNING THIS PETITION MY PROPERTY MAY HAVE TO REMAIN IN TIDEWATER UTILITIES, INC. SERVICE TERRITORY PERMANENTLY. I ALSO UNDERSTAND THAT IT MAY AFFECT MY ABILITY TO OBTAIN A PERMIT FOR A NEW WELL. IF YOU HAVE ANY QUESTIONS, COMMENTS, OR CONCERNS, PLEASE CONTACT THE PUBLIC SERVICE COMMISSION AT (302) 736-7500 (in Delaware, call 800-282-8574).

A-14-003

7-16-0063

# **EXHIBIT**

## **B**



A Middlesex Water Company Affiliate

January 29, 2016

Certified Mail 7011 0470 0000 2895 9496

Sussex County  
Attn: Hans Medlarz  
PO Box 589  
Georgetown, DE 19947

Dear Mr. Medlarz,

Tidewater Utilities Inc. (Tidewater) would like to thank you for the receipt of your signed petition requesting Tidewater to provide water service to your property, 334-6.00-39.02 located in Sussex County.

Tidewater will be submitting an application for a Certificate of Public Convenience and Necessity (CPCN) with the Public Service Commission (PSC) on or about February 5, 2016. Included with this letter is information that we are required to provide to all landowners within a proposed service territory prior to filing the application for a CPCN.

When the CPCN is granted, Tidewater will have the permission to provide public water service to your parcel. It is important for you, as the landowner, to know that when water service is made available to your parcel you are not obligated to connect to our water system as long as your current water supply is functioning properly. If you agree to have your property be part of this proposed service area, no action on your part is required at this time. If you do not agree to have your property be part of this proposed service area you will need to complete the enclosed opt out/object form and send it back to the address on top of the form.

If you have any questions in regards to this matter please feel free to contact me at 302-747-1308.

Sincerely,

A handwritten signature in black ink, appearing to read "J.C. Cuccinello", is written over a horizontal line.

Joseph C. Cuccinello  
CPCN Coordinator

## PROPERTY OWNER OPT-OUT/OBJECT FORM

Delaware Public Service Commission  
861 Silver Lake Boulevard  
Cannon Building, Suite 100  
Dover, Delaware 19904

Dear Delaware Public Service Commission:

I/We are the recorded property owner(s), according to current tax records, for the following property/properties:

Tax Map Parcel Identification Number(s): 334-6.00-39.02

We received a notice from *Tidewater Utilities, Inc.* that it plans to file an application with the Delaware Public Service Commission for a Certificate of Public Convenience and Necessity (Certificate) to provide water service to a proposed service territory described by Tidewater Utilities, Inc. as Pump Station 210 (hereafter, "Proposed Service Territory").

\_\_\_\_\_ As permitted by applicable law, I hereby opt-out of *Tidewater Utilities, Inc.*'s proposed service territory. I understand that by opting out of the Proposed Service Territory, I may be charged additional fees if I later change my mind and choose to be included in the Proposed Service Territory and receive water service from *Tidewater Utilities, Inc.*

\_\_\_\_\_ I hereby object to the *Tidewater Utilities, Inc.*'s application for the Certificate of Public Convenience and Necessity. I understand that by objecting to the *Tidewater Utilities, Inc.*'s application I am not merely objecting to being included in the Proposed Service Territory (in which case, I may merely opt out as permitted by electing to opt out above), but rather am objecting to the Commission authorizing the *Tidewater Utilities, Inc.* to provide water service to *any territory* within the Proposed Service Territory, including, but not limited to, my own property. The basis of my objection is as follows:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Property Owner(s): *Property Owner Name* \_\_\_\_\_

*Property Owner Address* \_\_\_\_\_

\_\_\_\_\_

Owner's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

## **YOU SHOULD READ THIS NOTICE CAREFULLY.**

Public records list you as a landowner of the property with the following tax map parcel identification number(s): 334-6.00-39.02. Within thirty-five (35) days, Tidewater Utilities, Inc. (TUI) plans to file an application with the Delaware Public Service Commission requesting a Certificate of Public Convenience and Necessity (Certificate) to provide water service to a new territory described as Pump station 210.

TUI HAS INCLUDED YOUR PROPERTY IN THE TERRITORY IT INTENDS TO SERVE. TIDEWATER UTILITIES, INC. ESTIMATES THAT IT WILL PROVIDE WATER SERVICE TO PARCEL NUMBER 334-6.00-39.02, WHICH IS LOCATED AT THE INTERSECTION OF US-9 WEST AND WESCOATS RD. IMMEDIATELY AFTER COMPELETION OF THE CONNECTION APPLICATION PROCESS.

IF YOU DO NOT TAKE ANY ACTION NOW, YOU MAY LOSE YOUR CHOICE OF WHO CAN PROVIDE WATER SERVICE TO YOUR PROPERTY AND WHETHER YOU CAN OBTAIN A WELL PERMIT.

- 1) You may choose to be included in the utility's proposed service territory. If you signed a petition for water service asking to be included in the utility's proposed service territory, [or, if you did not sign a petition for water service but want to be included, you do not have to take any action.
- 2) You have the right to "opt-out" of the utility's proposed service territory. If you "opt-out", your property will not be included in the utility's service territory. You can do this even though others in Wescoats Rd. might desire water service from the utility. You should understand that being included in a utility's service territory does not mean that public water service will be immediately available to your property or that, when available; you will be required to hook-up to the public water system. However, if your property is included in the utility's water service territory, and later the water from the well providing your drinking water cannot be used, the Department of Natural Resources and Environmental Control might deny you a permit for a new well if public water is available to your property. On the other hand, if you elect to "opt-out" of the utility's service territory, but later change your mind and decide to connect to the utility's public water system, you could be charged additional fees.
- 3) You may object to the Public Service Commission granting a Certificate for Wescoats Rd. For example, you may object that the water utility does not have the legal right to serve the territory. You should review the law about what a utility must provide in order to obtain a Certificate (contact the Public Service Commission to obtain a copy of the law). If you file such an objection, you will need to tell the Public Service Commission why the utility should not receive the Certificate. Please note that an objection will not remove your property from a proposed service territory. To remove your property from the service territory, you must request to "opt-out."

Attached to this letter is a form which allows you (and other owners of the property) to exercise your options. You have seventy-five (75) days from your receipt of this notice to file your objection with the Commission. Although you may exercise your right to "opt-out" of the utility's service territory at any time before the Certificate is granted, if you choose to opt-out, it is requested that you complete the form and return it to the Public Service Commission at the address listed below within seventy-five (75) days from the date you receive this notice:

Delaware Public Service Commission  
861 Silver Lake Boulevard  
Cannon Building, Suite 100  
Dover, Delaware 19904

If you want to “opt-out” or object, you must send the completed form to the Public Service Commission, even if you already informed the utility of your intent to “opt-out” or object.

If you have any questions, comments or concerns, please contact the Public Service Commission at (302) 736-7500 (in Delaware, call 800-282-8574).

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<p>■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</p> <p>■ Print your name and address on the reverse so that we can return the card to you.</p> <p>■ Attach this card to the back of the mailpiece, or on the front if space permits.</p>		<p>A. Signature  X <i>Kyle Belle</i> <input checked="" type="checkbox"/> Agent <input type="checkbox"/> Addressee</p>	
<p>1. Article Addressed to:</p> <p><i>Sussex County</i>  <i>Attn: Hans Medlar 2</i>  <i>PO Box 589</i>  <i>Georgetown, DE 19947</i></p>		<p>B. Received by (Printed Name) <i>2/1/16</i> <input checked="" type="checkbox"/> Date of Delivery</p>	
		<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes  If YES, enter delivery address below: <input type="checkbox"/> No</p>	
		<p>3. Service Type  <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail  <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise  <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p>	
		<p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>	
<p>2. Article Number  (Transfer from service label)</p>		<p>7011 0470 0000 2895 9496</p>	

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

U.S. Postal Service<sup>TM</sup>  
**CERTIFIED MAIL<sup>TM</sup> RECEIPT**  
(Domestic Mail Only; No Insurance Coverage Provided)  
For delivery information visit our website at [www.usps.com](http://www.usps.com).

**OFFICIAL USE**

Postage	\$ .49
Certified Fee	3.45
Return Receipt Fee (Endorsement Required)	2.80
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$ 6.74

7011 0470 0000 2895 9496

STILE CREEK, DE 19961  
Postmark Here  
JAN 29 2016

Sent To  
*Sussex County* *Attn: Hans Medlar 2*  
Street, Apt. No.,  
or PO Box No. *PO Box 589*  
City, State, ZIP+4  
*Georgetown, DE 19947*

PS Form 3800, August 2006 See Reverse for Instructions

# EXHIBIT C



**Exhibit C**

<b><u>Proposed Service Area</u></b>	<b><u>Tax Map Parcel Numbers</u></b>	<b><u>Acres</u></b>	<b><u>Owners</u></b>
Service Area 1	334-6.00-39.02	0.31	Sussex County PO Box 589 Georgetown, DE 19947

- Parcel 334-6.00-39.02 is an individual parcel located at the intersection of US-9 West and Wescoats Road.



PRINT DATE: 01/20/2016  
 THE LANDSCAPE INFORMATION SHOWN HEREIN  
 HAS BEEN COMPILED FROM AERIAL PHOTOGRAPHS  
 AND FIELD SURVEY DATA. THE ACCURACY OF THE  
 INFORMATION IS NOT GUARANTEED. THE INFORMATION  
 IS FOR INFORMATIONAL PURPOSES ONLY. THE INFORMATION  
 IS NOT TO BE USED FOR ANY OTHER PURPOSES.

**TIDEWATER**  
 UTILITIES, INC.  
 A Middlesex Water Company Affiliate

**CPCN APPLICATION MAP WATER**  
**Pump Station #210**  
**Sussex County, DE**

**A-16-003**  
 1 inch = 500 feet  
**Map 1**



# EXHIBIT D

## **Plan of Service**

Tidewater Utilities, Inc. (Tidewater) intends to provide water service once the CPCN is granted by the Commission, and when water service connection application is complete, to 33881 Westcoats Road, Lewes, DE. This parcel is located within Tidewater's Rehoboth Water District. Tidewater owns and operates a series of water production and storage facilities which provides water to the Rehoboth Water District. This parcel will be served water by extending a 4-inch main from Tidewater's existing 6-inch water main, located on the northeast side of Westcoats Rd.